



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

DEC 18 2015

Gerald Pepper
Pechiney Cast Plate, Inc.
2700 Daybreak Parkway
South Jordan, Utah 84095

Randy Kendrick
Boyle at 54th, LLC
2010 Old Ranch Parkway, Suite 470
Seal Beach, CA 90740

Re: Soil Management Plan Approval for Former Pechiney Cast Plate Facility

Dear Mr. Pepper and Mr. Kendrick:

Thank you for working with the U.S. Environmental Protection Agency, Region 9 (EPA) to address polychlorinated biphenyls (PCBs) issues concerning the Former Pechiney Cast Plate, Inc. (Pechiney) facility in Vernon, California. As noted in a December 18 letter to Pechiney, EPA has determined that remediation of PCB impacts has been completed within the boundary of the former 26-acre Pechiney property (Property).¹ However, PCBs remain in soils at the Property at concentrations above unrestricted use, so future redevelopment (e.g., maintenance, grading, construction activities) and post-redevelopment activity must be managed such that PCBs in soils do not pose an unreasonable risk of injury to health or the environment. This letter addresses future soil management at the Property.

Approval of Proposed Soil Management Plan

Amec Foster Wheeler Environment & Infrastructure, Inc. (Amec) has submitted a draft Soil Management Plan (SMP) on behalf of Pechiney in accordance with Condition C.3.c (Soil management plan after remediation) of EPA's July 2, 2010 approval for cleanup of PCBs (Approval).² This SMP describes protocols for handling and managing of soil containing residual concentrations of chemicals of concern following site remediation that may be encountered during future redevelopment on the property. After providing comments and receiving subsequent revisions from Amec, EPA hereby approves the SMP.³

¹ The July 2, 2010 Approval defines Site as the former 26.9-acre Pechiney facility property. However, due to the finding of PCB contamination on a portion of an adjacent Union Pacific Railroad (UPR) property, both the former Pechiney property and that portion of the UPR property constitute the PCB Cleanup Site.

² The July 2, 2010 Approval is titled "Polychlorinated Biphenyls – U.S. EPA Conditional Approval Under 40 CFR 761.61(c), Toxic Substances Control Act – 'Polychlorinated Biphenyls Notification Plan Former Pechiney Cast Plate, Inc Facility Vernon, California,' July 9, 2009."

³ The approved draft SMP was submitted in a November 5, 2015 email message titled "RE: Pechiney - Draft LUC Southern Property and Soil Management Plan (Part 1 of 3)" from Linda Conlan (Amec) to Chand Sultana (DTSC) and Nathan Dadap (EPA).

The Property was recently subdivided into North and South parcels. Given that the South parcel was recently purchased and is under new ownership, Boyle at 54th as the new property owner must adhere to the SMP while conducting redevelopment and post-redevelopment activities. Similarly, the North parcel transfer will occur in the near future and the new owner must also adhere to the SMP during and after redevelopment activities.

Modification of TSCA Approval Condition

Condition C.9 (Restrictive Covenant) of the Approval requires that a restrictive covenant incorporating the SMP be recorded either by Pechiney or the new property owners within 75 days of completion of the PCB cleanup. However, in a November 25, 2015 letter⁴ to EPA, Pechiney and Boyle at 54th, LLC requested a modification to that condition, noting that the current wording is unclear about when the 75-day timeframe starts.

In response, EPA hereby modifies the following clause in Condition C.9 of the Approval:

“Within 75 days of completion of the PCB cleanup under this approval, Pechiney or the new owner of the property must record in accordance with state law a restrictive covenant for the property that will in perpetuity notify any potential purchaser of the property...”

To read:

“Within 30 days after EPA approves the completion report for cleanup activities at the site, Pechiney or the new owner(s) of the property shall submit to EPA a draft restrictive covenant for the site. If the property is split into multiple parcels, distinct draft covenants shall be submitted for each parcel. Lastly, within 30 days of EPA approval of the draft restrictive covenant(s), Pechiney or the new owners of the property/properties must record in accordance with state law a restrictive covenant for the property that will in perpetuity notify any potential purchaser of the property...”

The rest of Condition C.9 will remain as previously stated in the Approval.

Future Redevelopment

On a November 19, 2015 conference call with Pechiney, Amec, Boyle at 54th, and other potential property owners, EPA was made aware of a redevelopment and property transfer schedule that included plans to commence ground disturbing redevelopment activities at the Property starting in December 2015. Although a restrictive covenant has not yet been recorded, EPA is allowing construction grading work on the Property to begin, under the condition that all procedures in the approved SMP are followed.

EPA may require additional investigation and cleanup of PCBs if (1) a finding is made after the date of this letter that PCBs above the cleanup levels remain at the PCB Cleanup Site, (2) PCBs

⁴ The November 25, 2015 letter from Pechiney and Boyle at 54th, LLC to EPA is titled “*Former Pechiney Cast Plate, Inc. Facility in Vernon, California, U.S. EPA Conditional Approval Under 40 CFR 761.61(c)*.”

are found in other areas adjacent to the Property, and/or (3) the land use is changed to unrestricted use.

EPA appreciates Pechiney's implementation of the PCB cleanup and the new owners' adherence to the approved SMP. Please call Nathan Dadap at (415) 972-3654 if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott", with a stylized flourish at the end.

Jeff Scott, Director
Waste Management Division

cc (e-mail only):

William Adams (Pechiney)

Chand Sultana (DTSC)

Linda Conlan (Amec)

